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of Discrimination and
Protection of Minorities
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Agenda item 22

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Rapporteur: Mr. Osman El-Hajjé

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* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

XIX. PROTECTION OF MINORITIES

1. The Sub-Commission considered agenda item 18 at its 7th to 11th, 27th and ... meetings, on 5, 8, 9, 19 and .. August 1994.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities: report prepared by Mr. Asbjørn Eide (E/CN.4/Sub.2/1993/34 and Add.1-4);

Working paper containing suggestions for a comprehensive programme for the prevention of discrimination and protection of minorities (E/CN.4/Sub.2/1994/36 and Corr.1);

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/1);

Written statement submitted by the International Human Rights Association of American Minorities, a non-governmental organization on the Roster (E/CN.4/Sub.2/1994/NGO/3).

3. At its 7th meeting, on 5 August 1994, Mr. Eide introduced his working paper (E/CN.4/Sub.2/1994/36 and Corr.1).

4. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (8th, 10th), Mr. Bengoa (8th), Mr. Bossuyt (9th), Mr. Boutkevitch (9th), Mr. Chernichenko (9th, 10th), Mrs. Daes (9th), Mr. Eide (8th, 10th), Mr. El-Hajjé (9th), Mr. Fan (9th), Mrs. Forero Ucros (8th), Mr. Guissé (8th), Mrs. Gwanmesia (10th), Mr. Hakim (10th), Mr. Joinet (8th, 10th), Mr. Khalifa (9th), Mr. Khan (8th), Mr. Lindgren Alves (9th), Mr. Maxim (8th), Ms. Palley (10th), Ms. Warzazi (9th) and Mr. Yimer (8th, 10th).

5. Statements were made by the observers for Hungary (10th), Latvia (10th), Nigeria (11th), Russian Federation (10th), The Former Yugoslav Republic of Macedonia (8th) and Turkey (11th).

6. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Human Rights Advocates (8th), Indian Institute for Non-Aligned Studies (8th), International Council of Jewish Women (10th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (10th), International Fellowship of Reconciliation (8th), International Human Rights Association of American Minorities (8th), International League for Human Rights (10th), International Lesbian and Gay Association (8th), International Movement against All Forms of

Discrimination and Racism (10th), International Organization for the Development of Freedom of Education (8th), Minority Rights Group (8th), Movement against Racism and for Friendship among Peoples (10th) and Pax Christi International (10th).

7. Statements equivalent to a right of reply were made by the observers for Albania (11th), India (11th), Iran (Islamic Republic of) (11th), Iraq (8th) and Pakistan (11th).

8. At the 11th meeting, on 9 August 1994, Mr. Eide made his concluding remarks.

Strengthening the prevention and punishment of the crime of genocide

9. At the 27th meeting, on 19 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.5, sponsored by Mr. Bengoa, Ms. Chavez, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Hakim, Mr. Joinet, Mr. Khalifa, Mr. Khan, Mr. Limón Rojas, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mrs. Daes subsequently joined the sponsors.

10. Ms. Warzazi, on behalf of the sponsors, revised the text by replacing at the end of the fourth preambular paragraph the words "étude sur la question de la prévention et de la répression du crime de génocide (E/CN.4/Sub.2/1984/40)" by "deuxième rapport (E/CN.4/Sub.2/1985/6)".

11. Mr. El-Hajjé proposed to replace in the fourth preambular paragraph the words "outre les travaux de la Commission du droit international" by "les projets de statut d'une cour internationale". The proposal was not accepted by other sponsors.

12. Mrs. Daes proposed to amend operative paragraph 1 as follows: to replace the word "Requests" by "Recommends to the Commission on Human Rights to request". The amendment was accepted by the sponsors.

13. Upon proposals made by Mr. Chernichenko and Ms. Ferriol Echevarría, Ms. Warzazi, on behalf of the sponsors, agreed to revise operative paragraph 4 by deleting, after the word "crime", the phrase "and also by extending its enforcement, which has until now been limited to ethical, racial or religious genocide, to political genocide".

14. Statements in connection with the draft resolution, revisions and amendments were made by Mr. Chernichenko, Mr. Decaux, Mr. Fan, Ms. Ferriol Echevarría, Mr. Lindgren Alves, Ms. Palley and Mr. Yimer.

15. At the request of Mr. Lindgren Alves, the Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1994/L.5.

Prevention of discrimination and protection of minorities

16. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.6, sponsored by Mr. Bengoa, Ms. Chavez, Mrs. Daes, Mr. El-Hajjé, Mr. Fan, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hakim, Mr. Joinet, Mr. Khalifa, Mr. Khan, Mr. Limón Rojas, Mr. Lindgren Alves, Mr. Maxim, Mr. Merrills, Ms. Warzazi, Mr. Yimer and Mr. Yokota.

17. A statement on an estimate of the programme budget implications of the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

18. The draft resolution was adopted without a vote.

19. For the text of the resolution, see chapter II, section A, resolution 1994/4.